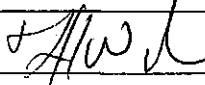
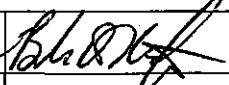


Facility Name: FLYING J # 752County: FREDERICKOwner: PILOT TRAVEL CENTERS LLCPermit #: VA0089214120 Days: 11/30/10Permit Writer: dhw

	Date
Modification Initiated by Staff (START PP FILE, UPDATE CEDS)	N/A
Modification Request Received from Owner (UPDATE CEDS)	8/2/10
Change of Ownership Agreement Form Received from Current Owner (UPDATE CEDS)	8/2/10
Change of Ownership Agreement Form Received from New Owner (UPDATE CEDS)	8/2/10
Additional Information Requested	N/A
Additional Information Received	N/A
Verification that all annual permit maintenance fees have been paid	7/27/10
Modification Request Considered Complete (Notify Applicant)	N/A
CHANGE OF OWNERSHIP: Application Reviewed by Compliance/Enforcement	N/A
Draft Permit & Fact Sheet Prepared	N/A
Draft Permit & Fact Sheet to Peer Review	N/A
Draft Permit & Fact Sheet to BDK for Review	N/A
Draft Permit, Fact Sheet, & Public Notice Information to Owner	N/A
Draft Permit & Fact Sheet Concurrence Received from Owner (within 14 days)	N/A
Enter All Applicable Information into CEDS (Events, Special Conditions, Billing Info, & etc.)	8/11/10
Enter Signature & Other Applicable Dates into CEDS (After signed)	8/11/10

## Concurrences

Signature					
Date	8/9/10	8/9/10			



# *COMMONWEALTH of VIRGINIA*

## **DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **VALLEY REGIONAL OFFICE**

Douglas W. Domenech  
Secretary of Natural Resources

441 Early Road, P.O. Box 3000, Harrisonburg, Virginia 22801  
(540) 574-7800 Fax (540) 574-7878  
[www.deq.virginia.gov](http://www.deq.virginia.gov)

David K. Paylor  
Director

Amy Thatcher Owens  
Regional Director

August 10, 2010

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Mr. Joey Cupp, Environmental Manager  
Pilot Travel Centers LLC  
5508 Lona RD  
Knoxville, TN 37909

Re: Change of Ownership, VPDES Permit No. VA0089214  
Flying J #752

Dear Mr. Cupp:

The enclosed permit has been approved. This permit action involved modifying the permit to reflect a change in ownership. In accordance with the permit, you are required to submit Discharge Monitoring Reports (DMRs) by the tenth of each month to:

Virginia Department of Environmental Quality  
Valley Regional Office  
P.O. Box 3000  
Harrisonburg, Virginia 22801

The reporting form is included with the permit. You will be responsible for obtaining additional copies of the DMR. The first DMR for the month ending August 31, 2010 is due by September 10, 2010. Please refer to Guidance Memo 06-2016, available from the following web site, for instructions on completing your DMR: <http://www.deq.virginia.gov/waterguidance/permits.html>.

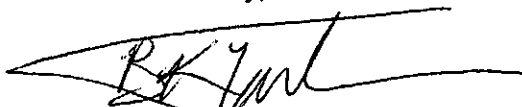
DEQ has launched an e-DMR program that allows you to submit the effluent data electronically. If you are interested in participating in this program please visit the following website for details: <http://www.deq.virginia.gov/water/edmrfaq.html>.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

Alternatively, any owner under §§ 62.1 - 44.16, 62.1 - 44.17, and 62.1 - 44.19 of the State Water Control Law aggrieved by any action of the State Water Control Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in §1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

If you have questions about this permit, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Keith Fowler', is written over a horizontal line.

B. Keith Fowler  
Deputy Regional Director

Enclosure: Permit No. VA0089214  
cc: EPA, Region III - 3WP12 (electronic)  
L. Ferguson-Davie - VRO  
FileNet - VA0089214

**MEMORANDUM**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

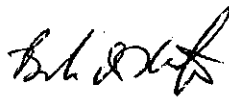
**VALLEY REGIONAL OFFICE**

4411 Early Road - P.O. Box 3000

Harrisonburg, VA 22801

SUBJECT: Change of Ownership, VPDES Permit No. VA0089214, Flying J #752

TO: Deputy Regional Director

FROM: Regional Water Permits Manager 

DATE: August 9, 2010

Legal Name of Current Owner: Flying J Inc.

Legal Name of New Owner: Pilot Travel Centers LLC

Other Agency Comments: N/A – Minor modification.

Public Notice Comments: Minor Modification. No Public Notice required.

Staff Comments: In accordance with the change of ownership request, changes to the permit were limited to the owner and facility name on the permit cover page and the facility name on the Discharge Monitoring Report.



**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Permit No. VA0089214**

Effective Date: December 1, 2009  
Modification Date: August 10, 2010  
Expiration Date: November 30, 2014

**AUTHORIZATION TO DISCHARGE UNDER THE  
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM  
AND**

**THE VIRGINIA STATE WATER CONTROL LAW**

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, Part I - Effluent Limitations and Monitoring Requirements, and Part II - Conditions Applicable To All VPDES Permits, as set forth herein.

Owner: **Pilot Travel Centers LLC**  
Facility Name: **Flying J #752**  
County: **Frederick**  
Facility Location: **1530 Rest Church Road, Clear Brook**

The owner is authorized to discharge to the following receiving stream:

Stream: **Duncan Run**  
River Basin: **Potomac**  
River Subbasin: **Potomac**  
Section: **11**  
Class: **IV**  
Special Standards: **pH**

  
Deputy Regional Director, Valley Region

**8/10/10**  
Date

**Permit Required Special Condition Due Dates\***

<b>Facility Name:</b> Flying J #752	<b>Permit No:</b> VA0089214
-------------------------------------	-----------------------------

<b>Special Condition</b>	<b>Due Date</b>
Submit Schedule of Compliance Progress Report #1	11/10/2010
Submit Schedule of Compliance Progress Report #2	11/10/2011
Submit Schedule of Compliance Progress Report #3	11/10/2012
Achieve Compliance with Final Limits (See Permit Part I.A. & B.)	11/1/2013
Submit Schedule of Compliance Final Report	11/15/2013
Submit VPDES Permit Application	6/3/2014

\*This list is intended to assist the permittee; however, it is not intended to supersede any permit requirements.

PERMITTEE NAME/ADDRESS(INCLUDE  
FACILITY NAME/LOCATION IF DIFFERENT)

NAME Flying J #752  
ADDRESS 1530 Rest Church Road  
Clear Brook VA 22624  
FACILITY LOCATION 1530 Rest Church Road

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)  
DISCHARGE MONITORING REPORT(DMR)**

VA0089214			003			
PERMIT NUMBER			DISCHARGE NUMBER			
MONITORING PERIOD						
YEAR	MO	DAY	TO	YEAR	MO	DAY

FROM

Industrial Minor 08/09/2010

**DEPT. OF ENVIRONMENTAL QUALITY  
(REGIONAL OFFICE)**

Valley Regional Office  
4411 Early Road  
P.O. Box 3000  
Harrisonburg VA 22801

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS  
BEFORE COMPLETING THIS FORM.

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
001 FLOW	REPORTD				*****	*****	*****				
	REQRMNT	0.0093	NL	MGD	*****	*****	*****			1/M	EST
002 PH	REPORTD	*****	*****			*****					
	REQRMNT	*****	*****		6.5	*****	9.5	SU		1/M	GRAB
172 ETHYLBENZENE	REPORTD	*****	*****		*****	*****					
	REQRMNT	*****	*****		*****	*****	320	UG/L		1/M	GRAB
216 BENZENE (AS C6H6)	REPORTD	*****	*****		*****	*****					
	REQRMNT	*****	*****		*****	*****	50	UG/L		1/M	GRAB
222 TOLUENE (AS C7H8)	REPORTD	*****	*****		*****	*****					
	REQRMNT	*****	*****		*****	*****	175	UG/L		1/M	GRAB
257 PETROLEUM HYDROCARBONS, TOTAL RECOV	REPORTD	*****	*****		*****	*****					
	REQRMNT	*****	*****		*****	*****	15	MG/L		1/M	GRAB
293 NAPHTHALENE (AS C10H8)	REPORTD	*****	*****		*****	*****					
	REQRMNT	*****	*****		*****	*****	NL	UG/L		1/M	GRAB
312 AMMONIA, AS N JUN-NOV	REPORTD	*****	*****		*****						
	REQRMNT	*****	*****		*****	NL	NL	MG/L		1/M	GRAB

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE			DATE			
I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.										
				TYPED OR PRINTED NAME		SIGNATURE	CERTIFICATE NO.	YEAR	MO.	DAY
				PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE				
				TYPED OR PRINTED NAME		SIGNATURE		YEAR	MO.	DAY

PERMITTEE NAME/ADDRESS(INCLUDE  
FACILITY NAME/LOCATION IF DIFFERENT)

NAME Flying J #752  
ADDRESS 1530 Rest Church Road  
Clear Brook VA 22624  
FACILITY  
LOCATION 1530 Rest Church Road

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)  
DISCHARGE MONITORING REPORT(DMR)**

VA0089214			003			
PERMIT NUMBER			DISCHARGE NUMBER			
MONITORING PERIOD						
YEAR	MO	DAY	TO	YEAR	MO	DAY

FROM

TO

Industrial Minor 08/09/2010

**DEPT. OF ENVIRONMENTAL QUALITY  
(REGIONAL OFFICE)**

Valley Regional Office  
4411 Early Road  
P.O. Box 3000  
Harrisonburg VA 22801

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS  
BEFORE COMPLETING THIS FORM.

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
313 AMMONIA, AS N DEC-MAY	REPORTD	*****	*****		*****						
	REQRMNT	*****	*****		*****	NL	NL	MG/L		1/M	GRAB
331 METHYL-TERT-BUTYL ETHER	REPORTD	*****	*****		*****	*****					
	REQRMNT	*****	*****		*****	*****	NL	UG/L		1/M	GRAB
745 TOTAL XYLENES	REPORTD	*****	*****		*****	*****					
	REQRMNT	*****	*****		*****	*****	NL	UG/L		1/M	GRAB
	REPORTD										
	REQRMNT									*****	
	REPORTD										
	REQRMNT									*****	
	REPORTD										
	REQRMNT									*****	
	REPORTD										
	REQRMNT									*****	
	REPORTD										
	REQRMNT									*****	
	REPORTD										
	REQRMNT									*****	

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE			DATE		
I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.				TYPED OR PRINTED NAME	SIGNATURE	CERTIFICATE NO.	YEAR	MO.	DAY
				PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE			
				TYPED OR PRINTED NAME	SIGNATURE		YEAR	MO.	DAY



This report is required by your VPDES permit and by law. (See, e.g., the Code of Virginia of 1950 §62.1-44.5 and 9 VAC 25-31-50.) Failure to report or failure to report truthfully can result in civil penalties of \$32,500 per violation, per day and felony prosecutions which can carry a 15 year term.

### DISCHARGE MONITORING REPORT (DMR) - GENERAL INSTRUCTIONS

1. Complete this form in permanent ink or indelible pencil. The use of 'correction fluid/tape' is not allowed.
2. Be sure to enter the dates for the first and last day of the period covered by the report on the form in the space marked "Monitoring Period".
3. For those parameters where the "permit requirement" spaces have a requirement or limitation, provide data in the "reported" spaces in accordance with your permit.
4. Enter the average and maximum quantities and units in the "reported" spaces in the columns marked "Quantity or Loading".  
 $\text{KG/DAY} = \text{Concentration (mg/L)} \times \text{Flow (MGD)} \times 3.785$        $\text{G/D (Grams/Day)} = \text{Concentration (mg/L)} \times \text{Flow (MGD)} \times 0.003785$
5. Enter maximum, minimum, and/or average concentrations and units in the "reported" spaces in the columns marked "Quality or Concentration".
6. For all parameters enter the number of samples which do not comply with the maximum and/or minimum permit requirements in the "reported" space in the column marked "No. Ex." (Number of Exceedances). If none, enter "0". Do NOT include monthly average violations in this field. Include any Maximum 7-Day Average and Maximum Weekly Average violations in this field. Permittees with continuous pH, or temperature monitoring requirements should consult the permit for what constitutes an exceedance and report accordingly.
7. You are required to sample (at a minimum) according to the Sample Frequencies and Sample Types specified in your permit.
8. Enter the actual frequency of analysis for each parameter (number of times per day, week, month, etc.) in the "reported" space in the column marked "Frequency of Analysis".
9. Enter the actual type of sample (Grab, 8HC, 24HC, etc) collected for each parameter in the "reported" space in the column marked "Sample Type".
10. Enter additional required data or comments in the space marked "additional permit requirements or comments". If additional required data or comments are appended to the DMR, reference appended correspondence in this field.
11. Record the number of bypasses during the month, the total flow in million gallons (MG) and BOD5 in kilograms (KG) in the proper columns in the section marked "Bypasses and Overflows".
12. The operator in responsible charge of the facility should review the form and sign in the space provided. If the plant is required to have a licensed operator or if the operator in responsible charge of the facility is a licensed operator, the operator's signature and certificate number must be reported in the spaces provided.
13. The principal executive officer then reviews the form and must sign in the space provided and provide a telephone number where he/she can be reached. Every page of the DMR must have an original signature.
14. Send the completed form(s) with original signatures to your Department of Environmental Quality Regional Office by the 10th of each month unless otherwise specified in the permit.
15. You are required to retain a copy of the report for your records.
16. Where violations of permit requirements are reported, attach a brief explanation in accordance with the permit requirements describing causes and corrective actions taken. Reference each separate violation by date.
17. If you have any questions, contact the Department of Environmental Quality Regional Office listed on the DMR.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from Outfall 003.

This discharge shall be limited and monitored as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD) <sup>a</sup>	NL	NA	NA	NL	1/Month	Estimate
pH (standard units)	NA	NA	6.5	9.5	1/Month	Grab
Benzene (ug/L) <sup>c,d</sup>	NA	NA	NA	50	1/Month	Grab
Toluene (ug/L) <sup>c,d</sup>	NA	NA	NA	175	1/Month	Grab
Ethylbenzene (ug/L) <sup>c,d</sup>	NA	NA	NA	320	1/Month	Grab
Total Xylenes (ug/L) <sup>b,d</sup>	NA	NA	NA	33	1/Month	Grab
MTBE (ug/L) (methyl tert-butyl ether) <sup>b,d</sup>	NA	NA	NA	1840	1/Month	Grab
Naphthalene (ug/L) <sup>b,c,e</sup>	NA	NA	NA	10	1/Month	Grab
Total Petroleum Hydrocarbons (mg/L) <sup>f</sup>	NA	NA	NA	15	1/Month	Grab
Ammonia-N (mg/L) (Jun-Nov) <sup>b,c</sup>	0.50	0.50	NA	NA	1/Month	Grab
Ammonia-N (mg/L) (Dec-May) <sup>b,c</sup>	0.69	0.69	NA	NA	1/Month	Grab

NL = No Limitation, monitoring required      NA = Not Applicable

- The long term average flow of this treatment facility is 0.0093 MGD.
- See Part I.B. for Schedule of Compliance.
- See Part I.C. for additional monitoring and reporting instructions.
- Benzene, Toluene, Ethylbenzene, Total Xylenes and MTBE shall be analyzed according to a current and appropriate EPA approved Method (40 CFR Part 136) or EPA SW 846 Method 8021B.
- Naphthalene shall be analyzed by a current and appropriate EPA approved Wastewater Method from 40 CFR Part 136 or a current and appropriate EPA SW 846 Method.
- TPH shall be analyzed using EPA SW 846 Method 8015C for diesel range organics, or by EPA SW 846 Method 8270D. If Method 8270D is used, the lab must report the total of diesel range organics and polynuclear aromatic hydrocarbons.
- There shall be no discharge of tank bottom waters.
- The effluent shall be free of sheens.
- Sampling for this outfall shall occur at the Spill Retention Pond discharge upstream of the Storm Water Retention Pond.
- There shall be no discharge of floating solids or visible foam in other than trace amounts.

**B. SCHEDULE OF COMPLIANCE**

Until compliance with the final limits and monitoring requirements for Total Xylenes, MTBE, Naphthalene, Ammonia-N (Jun-Nov), and Ammonia-N (Dec-May) specified in Part I.A., the discharge from Outfall 003 shall be limited and monitored as follows:

	<u>Discharge Limits</u>		<u>Monitoring Requirements</u>	
	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Total Xylenes (ug/L)	NA	NL	1/Month	Grab
MTBE (ug/L)	NA	NL	1/Month	Grab
Naphthalene (ug/L)	NA	NL	1/Month	Grab
	<u>Monthly</u>	<u>Weekly</u>	<u>Frequency</u>	<u>Sample Type</u>
	<u>Average</u>	<u>Average</u>		
Ammonia-N (mg/L) (Jun-Nov)	NL	NL	1/Month	Grab
Ammonia-N (mg/L) (Dec-May)	NL	NL	1/Month	Grab

The permittee shall achieve compliance with the final limits and monitoring requirements for Total Xylenes, MTBE, Naphthalene, Ammonia-N (Jun-Nov), and Ammonia-N (Dec-May) specified in Part I.A. of this permit in accordance with the following schedule:

1. Submit Progress Report By November 10, 2010, and annually thereafter
2. Achieve compliance with final limits By November 1, 2013

By November 15, 2013 the permittee shall submit a report to the DEQ-Valley Regional Office indicating whether compliance with the final Total Xylenes, MTBE, Naphthalene, Ammonia-N (Jun-Nov), and Ammonia-N (Dec-May) limits has been achieved.

**C. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - ADDITIONAL INSTRUCTIONS**

1. Quantification Levels (QLs) shall be less than or equal to the following concentrations:

<u>Effluent Characteristic</u>	<u>QL</u>
Ammonia-N	0.20 mg/L
Benzene	10.0 ug/L
Ethylbenzene	10.0 ug/L
Naphthalene	10.0 ug/L
Toluene	10.0 ug/L

2. Compliance Reporting Under Part I.A.

- a. Monthly Average -- Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in Part I.C.1. above shall be determined as follows: All data below the test method QL shall be treated as zeros. All data equal to or above the test method QL shall be treated as reported. Arithmetic concentration and/or loading averages (as applicable) shall be calculated using all reported data for the month, including the defined zeros. These averages shall be reported on the Discharge Monitoring Report (DMR). If all data are less than the test method QL, then "<QL" shall be reported on the DMR for the concentration and/or loading values. Otherwise the average values shall be reported as calculated.

- b. Daily Maximum -- Compliance with the daily maximum limitations and/or reporting requirements for the parameters listed in Part I.C.1. above shall be determined as follows: All data below the test method QL shall be treated as zeros. All data equal to or above the test method QL shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each day during the reporting month. The maximum value of these daily averages thus determined shall be reported on the DMR as the Daily Maximum. If all data are less than the test method QL, then "<QL" shall be reported on the DMR for the concentration and/or loading values.
- c. Any single datum required shall be reported as "<QL" if it is less than the test method QL. Otherwise, the numerical value shall be reported.
- d. The permittee shall report at least the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding convention used (i.e., 5 always rounding up or to the nearest even number) by the permittee, the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

#### D. OTHER REQUIREMENTS AND SPECIAL CONDITIONS

- 1. Materials Handling/Storage -- Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, and/or stored in such a manner so as not to permit a discharge of such product, materials, industrial wastes, and/or other wastes to State waters, except as expressly authorized.
- 2. Operations and Maintenance (O&M) Manual Requirements--
  - a. The permittee shall maintain a current and approved O&M Manual for the treatment works. This manual shall detail the practices and procedures which will be followed to ensure compliance with the requirements of this permit. This manual shall include, but not necessarily be limited to, the following items:
    - (1) Treatment system design, treatment system operation, routine preventive maintenance of units within the treatment system, critical spare parts inventory and record keeping;
    - (2) Techniques to be employed in the collection, preservation, and analysis of effluent samples (and sludge samples if sludge analyses are required);
    - (3) Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants characterized in Part I.D.1 that will prevent these materials from reaching state waters;
    - (4) A plan for the management and/or disposal of waste solids/residues;
    - (5) Procedures for documenting compliance with the permit requirement that the effluent shall be free of sheens and that there shall be no discharge of floating solids or visible foam in other than trace amounts;
    - (6) A list and copies of applicable Material Safety Data Sheets (MSDS) of all chemicals or chemical products that are stored or provided for customer use at the diesel fueling islands; and
    - (7) A plan for limiting the use of surfactants, such that they will not potentially inhibit the OWS performance.

The permittee shall operate the treatment works in accordance with the approved O&M Manual. Any changes in the practices and procedures followed by the permittee shall be documented and submitted for DEQ approval within 90 days of the effective date of the changes. Upon approval of the submitted manual changes, the revised manual becomes an enforceable part of the permit. Noncompliance with the O&M Manual shall be deemed a violation of the permit.

- b. Within 60 days of the effective date of the permit, the permittee shall submit to the DEQ-Valley Regional Office for approval revisions to the O&M Manual that address documenting compliance with the permit Part I.D.2.a. (5) – (7).
3. Reopeners -- This permit may be modified or, alternatively, revoked and reissued to incorporate alternative nutrient limitations and/or monitoring requirements, should:
  - a. the State Water Control Board adopt new nutrient standards for the water body receiving the discharge, including the Chesapeake Bay or its tributaries; or
  - b. a future water quality regulation or statute require new or alternative nutrient control.
4. Notification Levels -- The permittee shall notify the DEQ-Valley Regional Office as soon as they know or have reason to believe:
  - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
    - (1) 100 µg/L;
    - (2) 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and 1 mg/L for antimony;
    - (3) Five times the maximum concentration value reported for that pollutant in the permit application; or
    - (4) The level established by the Board.
  - b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
    - (1) 500 µg/L;
    - (2) 1 mg/L for antimony;
    - (3) Ten times the maximum concentration value reported for that pollutant in the permit application; or
    - (4) The level established by the Board.
5. OWS Influent Restrictions -- Chemicals or substances, other than petroleum waste products, shall not be allowed to enter the OWS unless prior approval is granted by DEQ.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records

1. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) and time(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

Department of Environmental Quality  
Valley Regional Office  
P.O. Box 3000  
Harrisonburg, Virginia 22801

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of State waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into State waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such State waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon State waters in violation of Part II.F.; or who discharges or causes or allows a discharge that may reasonably be expected to enter State waters in violation of Part II.F., shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

#### H. Reports of Unusual or Extraordinary Discharges

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter State waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II.I.2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

#### I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect State waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
  - a. Any unanticipated bypass; and
  - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
  - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II.I. if the oral report has been received within 24 hours and no adverse impact on State waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II.I.1. or 2., in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II.I.2.

**NOTE: The immediate (within 24 hours) reports required in Parts II.G, H, and I may be made to the Department's Valley Regional Office at (540) 574-7800 (voice) or (540) 574-7878 (fax). For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.**



**J. Notice of Planned Changes**

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
  - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
    - (1) After promulgation of standards of performance under Section 306 of the Clean Water Act which are applicable to such source; or
    - (2) After proposal of standards of performance in accordance with Section 306 of the Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;
  - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
  - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

**K. Signatory Requirements**

1. Applications. All permit applications shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - c. For a municipality, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II.K.1., or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Part II.K.1.;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
  - c. The written authorization is submitted to the Department.
3. Changes to authorization. If an authorization under Part II.K.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II.K.2. shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.
4. Certification. Any person signing a document under Parts II.K.1. or 2. shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of Federal, State or local law or regulations.

O. State Law

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other State law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II.U.), and "upset" (Part II.V.) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of Solids or Sludges

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering State waters.

S. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II.U.2. and U.3.

2. Notice

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
- b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II.I.

3. Prohibition of bypass

- a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
  - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (3) The permittee submitted notices as required under Part II.U.2.
- b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II.U.3.a.

V. Upset

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II.V.2. are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required in Part II.I.; and
  - d. The permittee complied with any remedial measures required under Part II.S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of Permits

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II.Y.2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part II.Y.1., this permit may be automatically transferred to a new permittee if:
  - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
  - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  - c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II.Y.2.b.

Z. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected there